



## City of Seattle

Edward B. Murray, Mayor

### Department of Planning and Development

D. M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Numbers:** 3019193, 3019195

**Applicant Name:** David Foster

**Addresses of Proposal:** 3816 23rd Avenue West (3019195)  
3818 23rd Avenue West (3019193)

### **SUMMARY OF PROPOSAL**

3019193: Land Use Application to allow two, three-story, single family residences in an environmentally critical area. Surface parking for two vehicles to be provided. Existing structure to be demolished. To be considered with project #3019195 for shared access. Environmental review includes future unit lot subdivision.

3019195: Land Use Application to allow two, three-story, single family residences in an environmentally critical area. Surface parking for two vehicles to be provided. Existing structure to be demolished. To be considered with project #3019193 for shared access. Environmental review includes future unit lot subdivision.

The following approval is required:

### **SEPA Environmental Determination** (SMC Chapter 25.05)

### **SEPA DETERMINATION:**

Determination of Non-Significance

- ☒ No mitigating conditions of approval are imposed.
- ☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

Site and Vicinity:

Site Zoning: Low Rise 1 (LR1)

Nearby Zones: LR1 (North)  
Single Family (SF-5000) (South)  
General Industrial zone with 45-  
ft height limit (IG1 U/45)(East)  
SF-5000 (West)



Site Characteristics and Background: The site is made of up two parcels totaling 5,000 square feet (sq. ft.) and contains one single family residence with a detached garage. The site is located on the east side of 23<sup>rd</sup> Ave W, with proposed vehicular access from 23<sup>rd</sup> Ave W. The western and central portions of the project site are relatively flat. The eastern portion of the site slopes from west down to east. A small portion of the southeast corner of the site is mapped as an Environmentally Critical Area (ECA) Steep Slope area.

Environmentally Critical Areas (ECA): A portion of the site is mapped Environmentally Critical Area – Steep Slope Area. The applicant applied for and received a Limited Steep Slope Exemption under permit #6433734, as follows:

“ECA review is required. Based on a review of the submitted information, and the City GIS system, DPD concludes that the steep slope areas on the property are in areas of existing development. Consequently, the project qualifies for the Relief From Prohibition On Steep Slope Development criteria, as described in SMC 25.09.180 B2a. For this reason, an ECA Steep Slope Area Variance is not required for this project. Except as described herein, the ECA General, and Landslide-Hazard Development Standards and criteria still apply.”

Public Comment: The Notice of Application comment period ended on February 4, 2015. No comments were received during the comment period.

**ANALYSIS – SEPA**

The proposal is located in a mapped environmentally critical area (ECA) due to steep slopes. However, the subject site received a limited exemption from the development standards for steep slopes on October 1, 2014. The property is still subject to all other ECA standards and is regulated as a potential landslide site, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECAs in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 6, 2015. A geotechnical report dated November 3, 2014 (PanGEO, Inc.) was also submitted. The information in the checklist, the geotechnical report, supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in this analysis, this action will result in adverse impacts to the environmentally critical area. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical areas are anticipated.

#### Short-term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, the following warrants further discussion.

#### Earth / Soils

The ECA Ordinance and Directors Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical report (PanGEO, Inc. dated November 3, 2014). The Stormwater Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The geotechnical study has been reviewed by DPD's geotechnical experts who determined that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during Building Permit review. No additional mitigation is warranted pursuant to SEPA policies.

#### Long -term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal and future unit lot subdivision, including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

#### **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

## **CONDITIONS - SEPA**

None required.

Signature: Betty Galarosa for Date: September 7, 2015  
BreAnne McConkie, Land Use Planner  
Department of Planning and Development

BM:bg

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## **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.